THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :22758 of 2007

DATED:26-10-2007

BETWEEN:

Tummala Venkata Ratnam.

..... PETITIONER

AND

The Tahsildar,
Mandal Revenue Officer,
Movva mandal,
Krishna District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the 2nd respondent in granting stay of proceedings in the appeal preferred by the petitioner against the orders in Rc.A.264/2007, dated 20-08-2007, served on the petitioner on 24-10-2007 by the 1st respondent in evicting the petitioner from his agricultural land in an extent of Ac.2.00 cents in Sy.No.35/3 in Kosuru village, Movva mandal, Krishna District, as illegal, arbitrary, and against to Section 4(1) of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act').

3. It is the case of the petitioner that against the orders passed by the 1st respondent-Tahsildar, Movva mandal, Krishna District in Rc.A.264/2007, dated 20-08-2007, ordering to resume the land of an extent of Ac.2.00 in Sy.No.35/3, situated at Kosuru village, Movva mandal, Krishna District assigned in favour of one Surapaneni Satyanarayana Chowdary the said land has been alienated in contravention of sub-Section 2 of Section 3 of the Act and accordingly, orders have been passed in exercise of the powers under Section 4(1) of the Act. It is stated that the said land was assigned in favour of political sufferers in 1970 and after a lapse of ten years, the political sufferers are entitled to alienate but

whereas the petitioner purchased the said land on 31-08-1987 and accordingly contended that there was no violation of the provisions of the Act.

4. I am not inclined to express any opinion on the merits of the case as admittedly the appeal said to have been filed against the said order before the 2nd respondent-Revenue Divisional Officer on 25-10-2005 along with the stay application is pending.

5. Having regard to the facts and circumstances of the case, 2nd respondent is directed to consider and dispose of the appeal as expeditiously as possible and pending disposal of the appeal *status quo* obtaining as on today with regard to possession shall be maintained.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

26th October, 2007.
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